DOCUMENT RESUME

ED 267 675 HE 019 140

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TITLE The New Policy on Higher Education of the Government of the Dominican Republic: Some Descriptive and Evaluative Aspects.
PUB DATE Dec 85
NOTE 79p.; Master's Thesis, Pennsylvania State University.
PUB TYPE Dissertations/Theses - Master Theses (042) -- Reports - Evaluative/Feasibility (142)

EDRS PRICE MF01/PC04 Plus Postage.
DESCRIPTORS Advisory Committees; Agency Role; Developing Nations; Educational Quality; *Federal Regulation; *Foreign Countries; *Government School Relationship; *Higher Education; Medical Schools; Planning Commissions; *Policy Formation; *Private Colleges; *Public Policy
IDENTIFIERS *Dominican Republic

ABSTRACT

The purpose of this report is to analyze a new higher education policy adoped by the Dominican Republic in Decree 1255 of 1983, "Regulations for Private Higher Education." Geographical, historical, and political characteristics of the Dominican Republic are described, and theoretical and methodological considerations in the study of public policy are briefly reviewed. Consideration is given to major factors that led to the adoption of the policy, which initiated governmental regulation of private higher education. The report gives an analysis of Decree 1255 of 1983 and explains the content and requirements of the new law. It also discusses the discrepancies between the proposed and the promulgated decree; for example, the proposed decree required that 75% of the student body and a majority of the members of the governing boards be Dominicans. The actual decree requires that 66% of the student body and 75% of the governing boards be Dominicans. The new law also allows the government to control the expansion of private institutions and to assure the quality of their education. The decree also created the National Council of Higher Education which regulates planning and quality and serves as an advisory agency. It is concluded tha Decree 1255 of 1983 is not consistent with the goal of coordinating the higher education system of the nation in order to make it more responsive to the general planning of the country. (RB)

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The Pennsylvania State University

The Graduate School

Higher Education Program

The new policy on higher education of the government of the Dominican Republic: some descriptive and evaluative aspects.

A master's paper in

Higher Education

by

Miguel José Escala

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ACKNOWLEDMENTS

I take this opportunity to express my sincere appreciation to Dr. Robert M. Hendrickson, academic advisor, for his patience, encouragement and guidance throughout my studies at Penn State. Appreciation is also extended to all my professors. A special appreciation is given to Dr. S. V. Martorana; his course was crucial for the development of this paper.

Quisiera expresar mi agradecimiento a quien ha sido constante apoyo, inspiración continua, e incluso, respaldo mecanográfico: mi esposa Pilar. Nuestras hijas han sido fuente común de motivación; a ellas también mi agradecimiento.

Por último, quisiera agradecer al amigo Julio C. Sánchez Mariñez. Sin su preocupación por mantenerme informado y documentado sobre la educación superior dominicana, este estudio no hubiera podido realizarse.

"Procedente del fondo de la noche
vengo a hablar de un país. Precisamente
pobre de población. Pero no es
eso solamente. Natural de la
noche soy producto de un viaje.
Dadme tiempo, coraje...para
hacer la canción".

("Coming from the depth of
the night, I am here to
talk about a country. Precisely,
poor on population. But, it is
not only that. Native of
the night, I am a product
of a trip. Give me time,
courage...for making
the song")

Hay un país en el mundo
(There is a country in the world).
Pedro Mir, National Poet of
the Dominican Republic.

Chapter I

INTRODUCTION

A. Statement of the problem

After a laissez-faire period with regard to higher education institutions, the government of the Dominican Republic approved new regulations for private higher education in 1983 (Decree 1255 of July 25, 1983, República Dominicana, 1983b). With these regulations, the government began a period of active participation in higher education issues through the newly created "Consejo Nacional de Educación Superior" (CONES) or the National Council of Higher Education (Title 5, Art. 13).

Both the new regulations and the creation of the CONES were a complete change in the official higher education policy of the Dominican government. The principal aim of this paper is to analyze some aspects of this new policy.

Three main questions will guide this analysis:

(1). How was the new policy approved?;

(2). What are the goals of the new policy?; and

(3). Is there a consistency between the goals and the regulations of the new policy?

A full understanding of the scope and implications of this new policy is important for both the CONES and the private universities under its control. Analyzing the new policy will result in an understanding of the relation between the universities and the official agency; moreover it

will permit the appraisal of the coherence of the regulation. Private universities in the Dominican Republic have to get used to the idea that they are going to be supervised, and the CONES has to understand that it will be supervising institutions which previously were independent of any government control. An understanding of the new policy is essential for accepting it in a positive way, and for implementing it in a consistent way.

For the student of higher education, this new policy offers an opportunity to study a country that had recently gone from a laissez-faire policy toward private higher education, to governmental regulation. This paper serves as an introduction for further studies on a fascinating topic.

Also, this paper could be of value for those interested in the study of how public policies are decided in the countries of the Third World, and for those particularly interested in the Dominican Republic.

Since this paper is intended to be read by different publics, this chapter provides background information needed in the study of the policy. Thus, this chapter aims at two fundamental purposes: (a) it outlines a theoretical framework and a related methodology for the analysis of the new policy; and (b) it presents a description of some geographical, historical and political characteristics of the Dominican Republic that will facilitate the understanding of the national context in which the target policy was decided.

B. Theoretical framework

In establishing the basic theoretical framework it is necessary to define some key concepts, describe different approaches to the study of public policies, and present methodological guidelines used to study the target policy of this paper.

1. Definitions

Since this paper is basically concerned with a public policy, it is necessary to adopt a definition of that concept. The most controversial aspect in the definition of public policy has been whether to emphasize the statement part of the policy or the subsequent action. For example, Lowi (cited by Mager and Greenwood, 1980) emphasized the concept of policy as a statement of intentions; in contrast, some authors have insisted that public policy should be defined as the action of the government. For instance, Anderson states that "policy involves not only decisions to enact a law on some topic, but also subsequent decisions relating to its implementation and enforcement... policy is what governments actually do" (1975, p. 3). Also, Schaefer and Rakoff (1970) have defined public policy as the action or nonaction of a political system, and Jones (1977) has expressed that policy is the government action on a public problem.

A non-controversial aspect of most definitions has been its characteristic as goal oriented (Anderson, 1975; Mayer

and Greenwood, 1980). Thus, it is possible to summarize the different approaches and adopt a definition of public policy. For this paper this will be the definition: A public policy is the totality of stated intentions, and actions of the government to achieve its goals in a specific arena.

Two components of this definition are the stated intentions and the actions. The intentions have been called policy statements and have been defined as:

> The formal expressions or articulations of public policy. Included are legislative statutes, executive orders and decrees, administrative rules and regulations, and court opinions, as well as statements and speeches by public officials indicating the intentions and goals of government and what will be done to realize them (Anderson, 1975, p. 5).

The second component or actions are, according to Anderson, "the tangible manifestations of public policies, the things actually done in pursuance of policy decisions and statements" (1975, p. 5).

In addition, the definition emphasizes two characteristics of public policy: the goal orientation of a policy, and its particularity. A public policy is intended to achieve a goal of the government in regard to a specific arena.

One last concept to be defined is policy analysis. A definition given by Nagel can be considered a general definition. For him, policy analysis is "the how-to-do-it methods associated with determining the nature, causes, and effects of government decisions or policies designed to cope

with specific social problems" (1980, p. 7). The actual emphasis on the different interests of the policy analysts will depend upon the purpose of the analysis, the theory for explaining the decision-making process, and the period of development of a given policy. Consequently, the definition of policy analysis for this paper shall be given only after analyzing the different approaches to the study of policies.

2. The study of policies

The variety of approaches that has been developed to study public policies makes their description a quite complicated task. This paper only emphasizes those approaches that could be relevant for understanding its objectives. This section describes the different purposes for studying public policies; presents differing methods of analysis of policies based on the stage of development of the policy; and relates policy analysis to different theoretical approaches. At the end of the section, a definition of policy analysis is adopted.

a. Purposes for studying public policy. House (1982) presented a comprehensive categorization of the different purposes for policy analysis previously developed by Nagel in 1980. He identified five different types of policy analysts: scientist, professional, political, administrative and personal. In this paper, it is important to distinguish between the two first types since they are the academic oriented approaches.

The scientist approach is interested in searching for theoretical knowledge and in "finding-out what governments do, why they do it, and what difference it makes" (Dye and Robey, 1980, p. 3). One of the controversial issues surrounding this method of analysis is whether the main causes of public policy decisions are economical or political; and the main goal of the analyst is establishing complex theories which not only explain the reasons for existing public policies, but also predict possible future policies by analyzing factors affecting their establishment.

Conversely, the professional analyst is more interested in the improvement of policy and policy making. For him/her policy analysis is a pragmatic tool. For example, Quade has expressed that "the purpose of policy analysis is to help (or sometimes influence) a decision maker to make a better decision..." (1971, p. 13). In this case, policy analysis is not a matter of increasing the scientific knowledge, but of facilitating the decision-making process.

The purpose of this paper is more professional than scientific; it is more related to the improvement of the decision making process than to the increasing of the scientific knowledge. Consequently, the following description of classifications of policy analysis will be made in reference to a professional approach.

b. <u>The stage of development of the policy</u>. Another aspect from which policy analysis can be classified is by

identifying whether the analyst is interested in an already approved policy, or in a future non-approved policy. In one case the analyst arrives at a mature stage of the policy; and in another case his or her arrival occurs in its earliest stages of development.

Whereas an "ex-post" analysis, or an analysis of an already approved policy, "provides evidence on which to base decisions about maintaining, institutionalizing, or expanding succesful programmes" (Carley, 1980, p. 37); the "ex-antes" or the analysis that occurs when the policy is still an idea, is concerned with the future and involves the prediction of the consequences of various proposed courses of action. Coplin (1975) and Dunn (1981) have described how the analysis of a policy takes a different direction depending upon the stage of the development of the policy and the main questions that guide the analysis. The present study could be defined as an "ex-post" analysis because it will deal with a policy that has already been approved.

c. Theoretical approaches. In order to complete the framework it is necessary to present different theoretical approaches used to analyze the public policy development process.

Anderson (1975) and Dye (1978) coincide in describing four different theoretical approaches used for the analysis of public policy formation: "political system theory", "group theory", "elite theory", and "institutionalism".

The most comprehensive of these approaches is the "political systems theory" or "Dynamic response model of a political system" originally described by Easton (1965). This conceptualization is presented in Figure 1. Basically, this model describes policies as system outputs which result as a consequence of increasing demands that influence the system. These demands have been developed from environmental forces which are the primary course of influence. Those forces can be acting within the same society (intra-societal) or can be external to the society (extra-societal).

Another approach, "group theory" pays more attention to the interaction among groups who are interested in a particular policy issue. The equilibrium reached in the group struggle is the public policy and the change in public policy will depend on the changes of influence in any of the participating groups (Dye, 1978).

A third approach is the "elite theory". From this point of view, "public policy can be regarded as the value and preferences of a governing elite" (Dye, 1978, p. 21). This approach eliminates the demand of the people and other environmental forces as key elements in raising a policy issue, and discards group-struggle as a political force. What is important is the decision to act by a group at the top of society's social structure which will influence the rest of that society.

FIGURE 1. Model of a Political System
(Easton, 1965, p. 110 and 112)

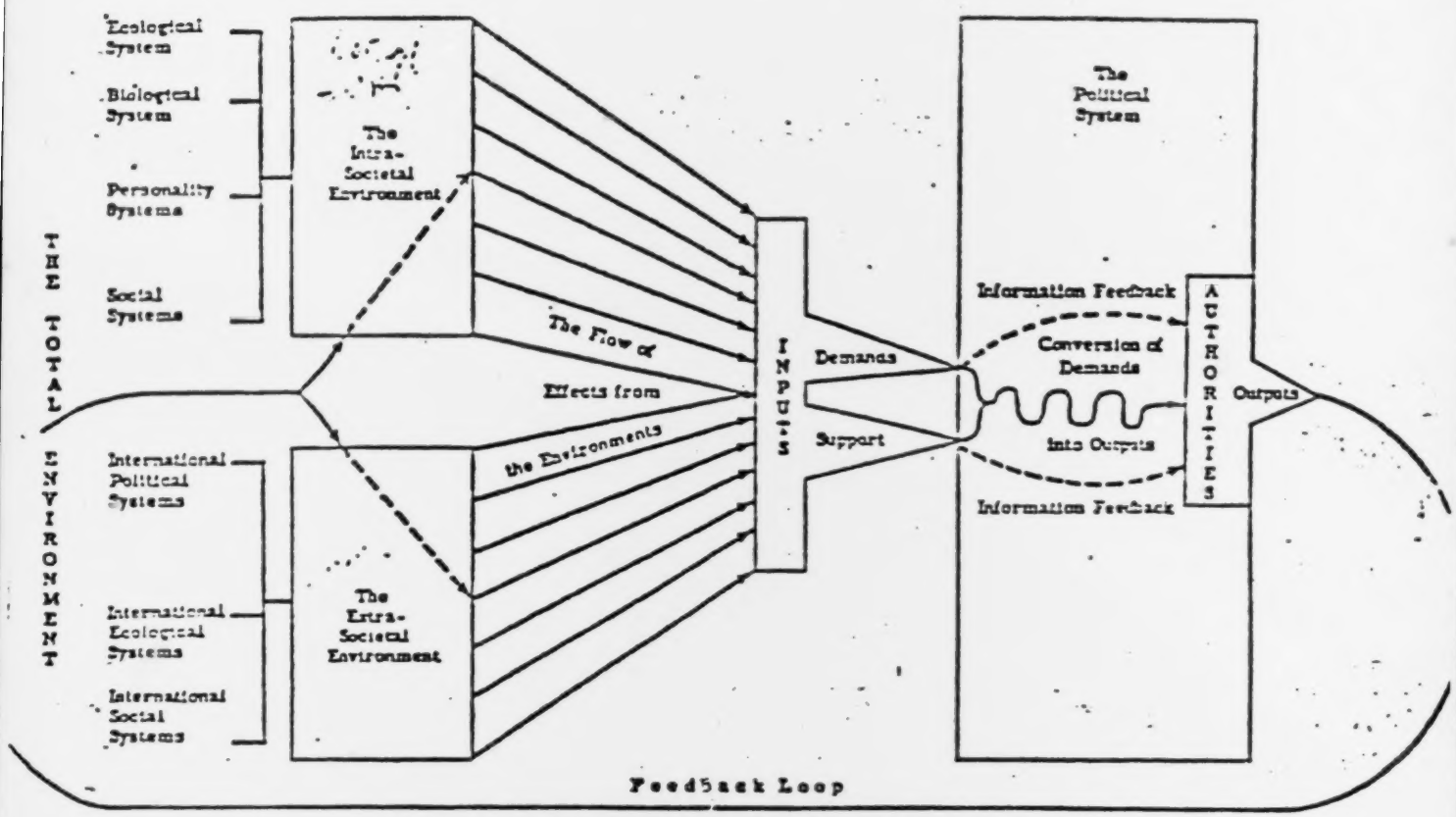

Diagram 2. A Dynamic Response Model of a Political System.

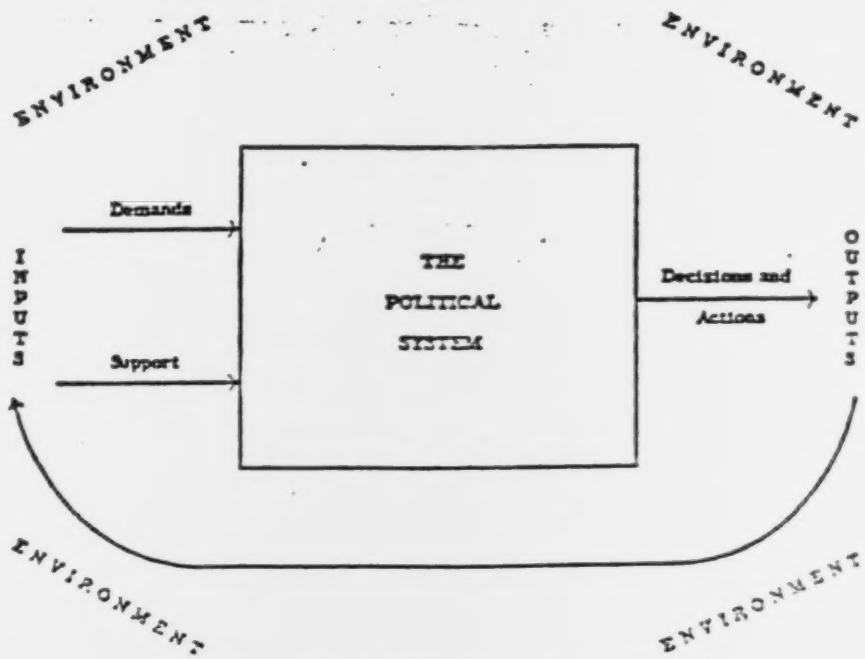

Diagram 3. A Simplified Model of a Political System.

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Finally, "institutionalism", the last approach to be considered, is based on the traditional study of government institutions, and it emphasizes "the formal or structural aspects of institutions" (Anderson, 1975, p. 24).

Easton's model seems to be the most applicable for this paper, since it will provide the opportunity to describe the different components of the policy process, and is not limited to a particular stage of policy development. While either a group, an elite, or a institutional approach are limited to specific participants; Easton's model provides a broad analysis of different kind of participating forces and conditions.

d. A definition of policy analysis. Policy analysis is defined in this paper as a professional oriented study of a particular policy in order to facilitate additional decision making processes. The main focus of the analysis is the description of the process by which a policy is adopted within a political system. This process includes both the environmental conditions and the different stages of the adoption of a particular policy.

3. Objectives and methodology

After examining different approaches for both the definition and the study of public policies; and after adopting a definition and describing some features of a suitable policy analysis, it is important to state the objectives of the paper and describe its methodology.

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a. Objectives. The present study can be characterized as an analysis of an approved policy statement through a description of the forces and conditions that were crucial in its development, an examination of content, and a determination of the degree of internal consistency between its stated goals and subsequent regulations. The approved policy statement of the Dominican government on the regulation of private higher education will be the focus of this analysis.

Consequently, the objectives of this paper are:

(1). To describe the crucial factors in the policy process relative to the new regulations of the private higher education in the Dominican Republic.

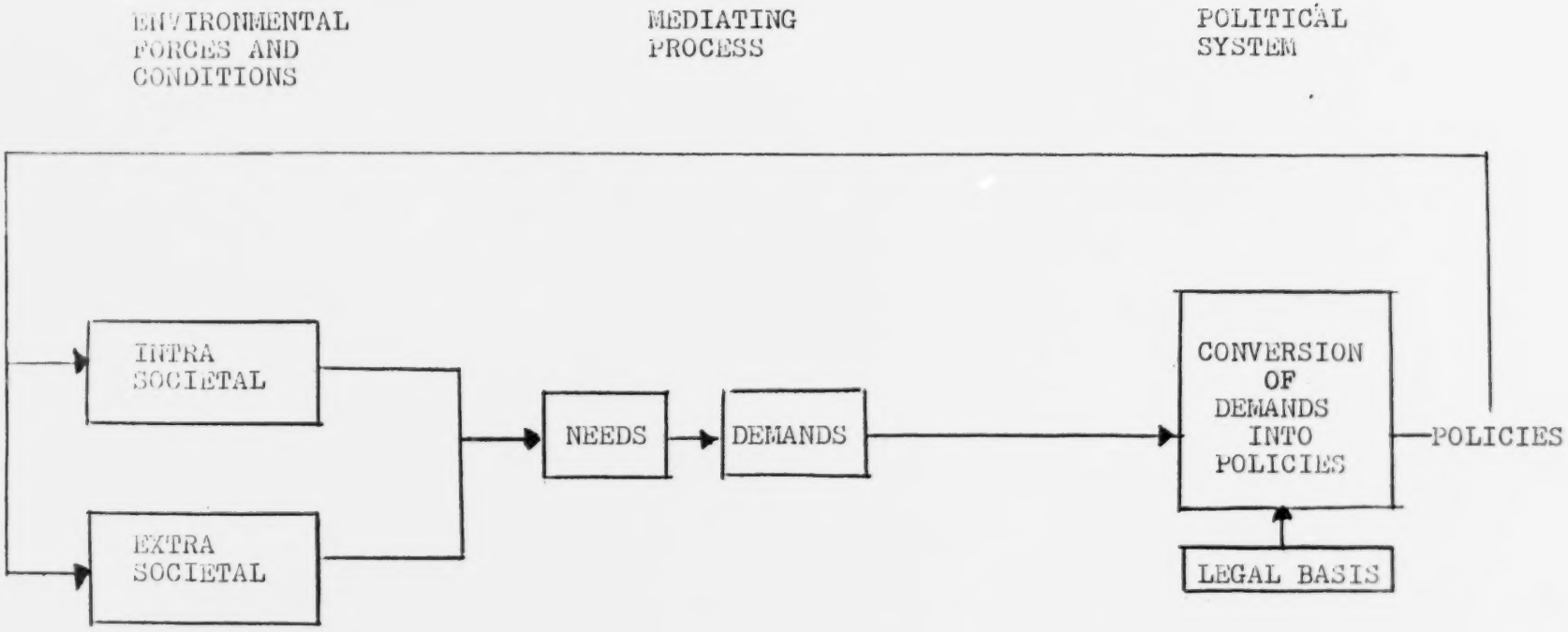
(2). To describe the content of the policy statement.

(3). To determine the internal consistency within the policy statement.

b. Methodology. The crucial factors to be identified are not only the environmental forces, Easton's extra societal and intra societal forces; but also the legal basis of the new policy. Consequently the model of analysis (Figure 2) consists of four components:

(1). The environmental forces and conditions which can be "intra societal" or "extra societal" (national or international).

FIGURE 2. Adopted model of the policy process for this paper.



(2). The mediating process which can be described as that in which the environmental forces become perceived needs and consequently they become actual active forces, it represents different stages of the decision process.

(3). The political system through which the decisions are made as a response to the environmental forces and conditions and supported by a specific legal basis.

(4). The subsequent policies developed through the process.

This model is a summarized version of the original model proposed by Easton (1965), with some modifications introduced by Schaefer and Rakoff (1970), and the legal basis component introduced in this paper.

Basically, a qualitative analysis will be performed, based on legal documents and on Dominican authors. It will serve to describe the policy process, and the different stages of development of the new policy statement. The description of the content of the policy statement in its different stages, will serve to identify the goals and regulations; and to determine both its consistency between the different stages and its final consistency.

In sum, the methodology will be:

(1). A description of the policy process based on the model presented in Figure 2.

(2). A comparative description of the content of the policy statement through its final approval.

This analysis will facilitate a better understanding of the new policy, in order to improve the planning of the official agency in charge of its implementation (CONES), and in order to clarify the scope of the new regulations.

C. The Political system of the Dominican Republic

After classifying the purpose and methodology of this study, it is appropriate to explain the national context of the target policy. This section describes some important aspects of the political setting in which the target policy of this paper was developed.

Although the main aim is the description of the political system, the understanding of it is not possible without a previous exposure to geographical aspects and historical facts. The first part of the section presents an overview of the geography of the country and some aspects of its history. The unstable history of the Dominican Republic is a key element in understanding the behavior of the government in regard to particular issues. The second part of the section, while emphasizing the description of the constitutional prescribed political structure, analyzes the balance of power between the executive and congress within various periods of governments.

1. Geography and history of the country

The Dominican Republic, the second largest country of the Antilles, shares the island of Hispaniola with another

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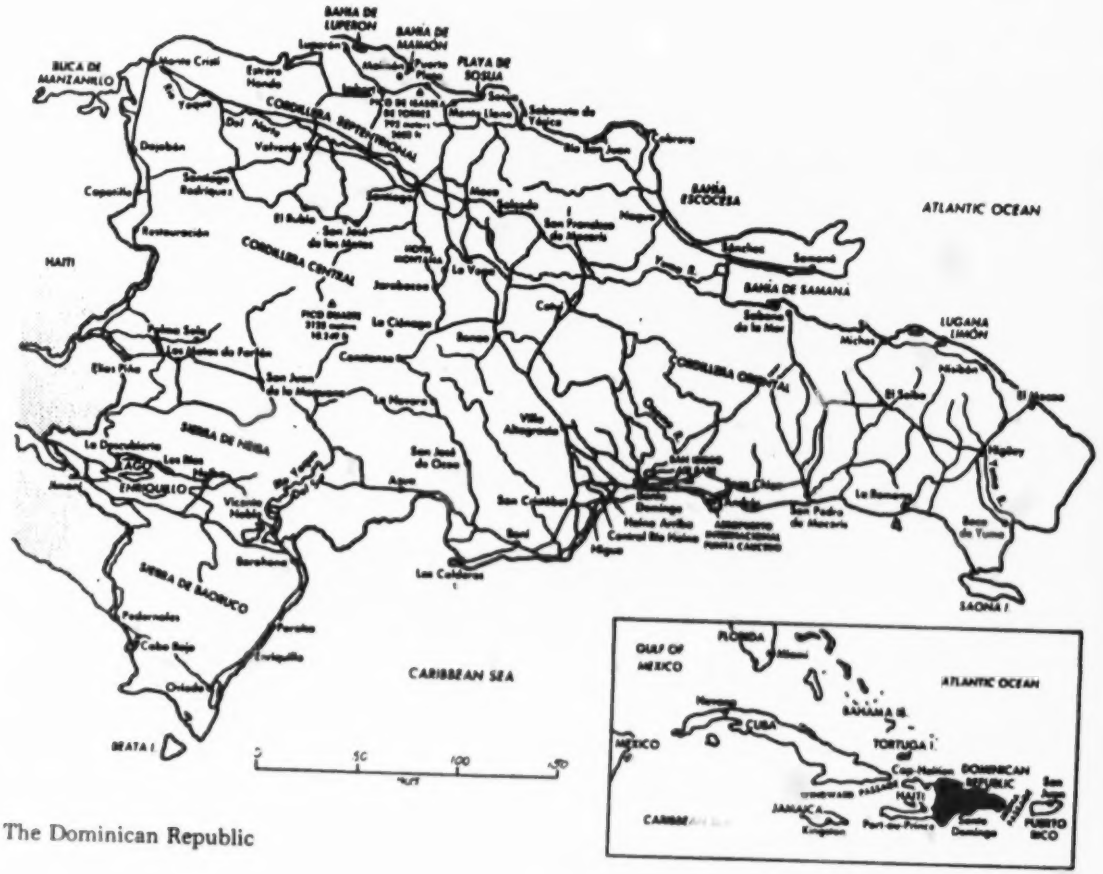
country: Haiti. While Haiti occupies the western one third of Hispaniola, the Dominican Republic occupies the eastern two thirds, which represents 19,386 square miles or almost half of the size of the state of Pennsylvania (See Figure 3).

Its growing population approaches 6,000,000, and it is constantly affected by two immigration phenomena: the permanent settlement of illegal Haitians near its border and on the sugar cane plantations; and the immigration of nationals (legally or illegally) to Puerto Rico and New York (Cripps, 1981).

The characteristics of the Dominicans are similar to those of Cubans and Puerto Ricans: Hispanic, Spanish-speaking and predominantly white or mulatto. These three nations form the Hispanic Antilles, and they are different from the other Caribbean nations. The other nations are predominantly black, and they speak either another European language or their own dialect. As a result, the Dominican Republic can be more easily integrated with both Cuba and Puerto Rico, than with the other Caribbean nations including its closest neighbor, Haiti (Cripps, 1981).

Furthermore, since the Cuban government has strong relations with Eastern European countries, and since Puerto Rico is not an independent nation; the Dominican Republic is left as the only Spanish-speaking independent country in the Caribbean with strong ties both to the Latin American

Figure 3. The Dominican Republic (Wiarda and Kryzanek, 1982, p. 6).



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community and to the United States. According to Cripps (1981) its geography, its characteristics, and the region's political forces make the Dominican Republic a key element in Latin American politics.

The eastern part of Hispaniola was also a key element at the beginning of the colonization of America. The country was the beginning of many Spanish adventures. Santo Domingo, the capital of the country, was the first city of the New World, in which the Spanish founded the first university and built the first church, the first cathedral, and the first hospital. Also, the country was the place where the first native American was killed by European colonizers, and the place where the first European was killed by native Americans. From Santo Domingo, "Spanish Power and influence spread over the Americas" (Gleijeses, 1978, p. 1).

The island was discovered as early as December, 1492, and its discovery was only preceeded by the discovery of the island of San Salvador and Cuba. Before returning to Spain, at the end of his first trip, Columbus decided to build a fort with the remains of one of his caravels in the north coast of Hispaniola. After a few years, the Spanish settlement was moved to the southeastern part of the island and Santo Domingo was founded. This city evolved as the first capital of the New World, and was considered the center for planning new conquests (Pichardo, 1964).

The initial importance of Hispaniola and of Santo Domingo was over at the end of the sixteenth century. Since the Spanish were almost exclusively interested in enriching themselves, "once the native labor supply had been depleted and its readily available mineral wealth exhausted, it was quickly abandoned" (Wiarda and Kryzanek, 1983, p. 26).

For a long period of time, the colony was almost abandoned by the Spanish, and it remained in a depressed condition. In 1697, the western one-third of the island became a French colony, and in 1795 the Spanish also ceded the eastern two-thirds to France (Cassá, 1979).

The western part became Haiti, and the eastern part became Santo Domingo. After the Haitians obtained their independence from France in 1801 as a result of a slave revolt, they decided to conquer the eastern part of the island. Both France and Spain tried to keep the Haitians in the western part, and eventually Spain gained control over its old and abandoned colony. This new period under the administration of the Spanish crown, has been called by Dominican historians the period of the "Fool Spain" because Spain did not pay much attention to its old and restored colony. Despite, the economical crisis of the period, it has been considered a key period for the development of national awareness (Cassá, 1979).

In 1821, a group of Dominican patriots declared their independence and asked Simón Bolívar to annex the old Spanish colony to the emerging Great Colombia. Bolívar was

more concerned with the problems of South America, and did not support the Dominican request. Soon, the first Dominican independent period finished when the Haitians occupied the entire island and the new independent nation was not able to stop them. This period of the history of the Dominican Republic is called "Ephimeral Independence", the independence lasted less than a year. For the Haitians, the island was indivisible (Pichardo, 1964).

The Haitian occupation ended in 1844, when a group of Dominican patriots leaded by Juan Pablo Duarte declared their independence once more. After a period of fights against the Haitians, it was possible to consolidate their hold on the territory resulting in the birth of the new independent country.

The first Dominican governments were more preoccupied with containing the Haitians and increasing their own political power, than in plotting the future course of the new nation. Duarte and his idealistic friends did not become a powerful political force. Instead, General Santana, a successful soldier, declared himself "dictator" and ruled the country for several years. In 1861, Santana reincorporated the country to Spain, a decision that was only supported by the richest people of the country who were more concerned with preserving their possessions than in independence. This annexation to Spain lasted until 1863, when the Dominican patriots led the "Restoration War" and reaffirmed the sovereignty of the country (Domínguez, 1979).

After the "Restoration", the independent life of the Dominican Republic has presented a diversity of periods: democratic governments, dictatorships, civil wars, and even two foreign interventions.

The most recent era of Dominican history can be divided into three main periods: the "Trujillo Era", the transitional period and the quasidemocracy period.

The "Trujillo Era" began in 1930 when Rafael Trujillo, a member of the National Guard won the presidential election. Trujillo ruled the country for more than thirty years and became a totalitarian dictator. He was killed on May 30, 1961, and his death ended his Era, and began a transitional period (Bosch, 1964).

The recently founded political parties (not permitted in the "Trujillo Era"), the military, the Catholic Church, and the wealthy families, all became important political forces fighting either to increase their influence or to gain control of the government. After various successive ephimeral governments, the first national elections in many years were held in December 1962, and Juan Bosch was elected President. He was installed as President in February, 1963 but was overthrown by a military "coup d'etat" seven months later (Bosch, 1964). A "de facto" government started ruling the country until April 24, 1965 when a group of militaries and civilians deposed the "de facto" President and proclaimed the restoration of Bosch's constitutional

government. A powerful group of militaries remained anti-Bosch, and opposed the return to Bosch's constitutional government, and the result was civil war (Szulc, 1965).

After four days of civil war, and when the "constitutionalists" (civilians and militaries that were in favor of a return to Bosch's government without election) gained control of the capital city, American troops landed on Dominican coasts. "The initial landing by 405 marines to cover the evacuation of American citizens ...was to be followed by a major military build up..." (Szulc, 1965, p. VII). In less than fifteen days, a full intervention was completed. This period of civil war, foreign intervention, and parallel governments ended when both Dominican factions accepted a common interim government which ruled the country until new elections were held in June, 1966.

The elections were won by Joaquín Balaguer, a former Trujillo colaborator, and he was the president for 12 years (three terms), winning reelection twice. With the installation of Balaguer as president, the period of quasi-democracy began. In 1978, Balaguer lost the election and the candidate of the Dominican Revolutionary Party (P.R.D.), Antonio Guzmán, became president. Again in 1982, the candidate from the P.R.D. won the election and Salvador Jorge Blanco became president for the period 1982-1986.

Some characteristics of the political process of these last 19 years of quasi-democracy will be described in the

following section. This description will illuminate the reasons for naming it the quasi-democracy period.

2. The political structure of the Dominican Republic

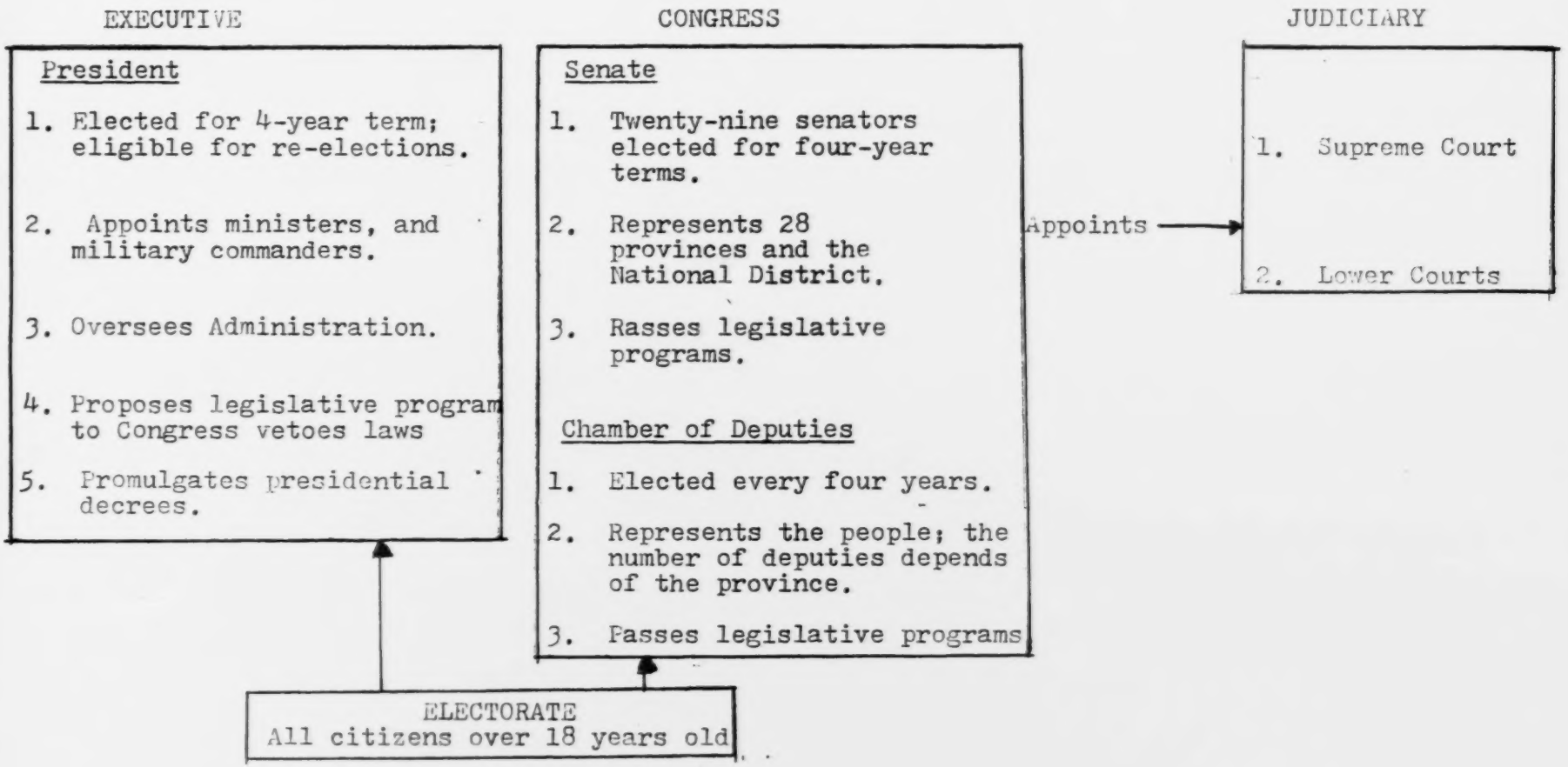
For a better understanding of Dominican politics it is important to compare the constitutionally prescribed political structure and the actual practice; is the purpose of this section.

a. Constitutional prescriptions. Since the birth of the Dominican Republic as an independent country, the first constitution prescribed a republican and representative government with a tripartite separation of powers. That is, a government headed by a President (executive), who shares power with two chambers of Congress (legislature) and with the judicature. The president, the Congress and local officers should be elected by the electorate; and the members of the judicature should be appointed by the Senate (Pichardo, 1964).

Some characteristics of each branch of government, and the relation among them are described in Figure 4. Policy decisions are a result either of parliamentary debates (promulgated as congress laws); or of the initiative of the executive (contained in presidential decrees).

The constitution and some specific laws specify some issues in which the president can decide by himself without

Figure 4. Dominican Republic: The constitutionally prescribed structure of the government. (Adapted from McLennan, 1975; and based on República Dominicana, 1966b).


EXECUTIVE
President
1. Elected for 4-year term; eligible for re-elections.
2. Appoints ministers, and military commanders.
3. Oversees Administration.
4. Proposes legislative program to Congress vetoes laws
5. Promulgates presidential decrees.
CONGRESS
Senate
1. Twenty-nine senators elected for four-year terms.
2. Represents 28 provinces and the National District.
3. Rasses legislative programs.
Chamber of Deputies
1. Elected every four years.
2. Represents the people; the number of deputies depends of the province.
3. Passes legislative programs
Appoints
JUDICIARY
1. Supreme Court
2. Lower Courts
ELECTORATE
All citizens over 18 years old

submitting the decision to the congress. Even more, some issues, as foreign policy, are exclusively of presidential concern. Also, the Constitution establishes some issues in which the president can not decide by himself; for example, the external loans should be approved by the Congress. In contrast to the prescribed active role of both the executive and the legislature in making policies, the judicature is intended to play a more passive role in public policy matter (República Dominicana, 1966b).

b. The practice. As it has been previously discussed, the frequent dictatorships, military governments and foreign interventions that have interrupted the Dominican prescribed democracy can account for a great part of the independent life of the country. Much of the operating realities have been quite different from the prescribed forms, since in some cases a governing elite has been the sole source for policy decisions (Wiarda and Kryzanek, 1982). As a result the legislation of the Dominican Republic is composed not only by Congress laws and presidential decrees, from the democratic periods, but also by executive orders and executive laws which are promulgated by the executive of a de-facto government.

Even in some democratic periods as the current "quasi-democracy" period, the gap between constitutional formalites and the actual practice persists. For example in the

three presidential periods of Balaguer (from 1966 to 1978), the policy decisions were either promulgated as decree-laws, or as an easy and quick approved law by a congress in which Balaguer's followers (more than members of a political party that was supporting Balaguer) were the majority. The role of the Congress was almost exclusively to convert into law the President's will (Wiarda and Kryzanek, 1982).

In 1978, Antonio Guzmán was installed as the new president of the country. Although Guzmán also governed in a personal fashion, and kept the executive predominance, the congress emerged as a powerful political force. Balaguer's followers were the majority of the Senate, and the members of Guzmán's party (not necessarily Guzmán's followers) had control of the Chamber of Deputies. For the first time in many years, there was an active Congress that became a headache to President Guzmán. Without a tradition of relations between the executive and a non-obedient legislature, there were moments when it seemed that both branches were ruling the country in opposite directions. Many legislative proposals that were introduced by Guzmán were never approved; on the other hand, the presidential veto became an usual way for dealing with a rebellious congress (Wiarda and Kryzanek, 1982).

The former speaker of the minority in the Senate, became the new president in 1982. Salvador Jorge Blanco (from Guzmán's party, but not Guzmán's follower) is the current

President, he promulgated the new policy for private higher education. The congress did not participate (Montalvo, 1983).

These descriptions of the government and political history of the Dominican Republic give a framework for the policy development process for regulating private higher education.

D. Summary

This chapter has presented the theoretical base of the methodological approach for analyzing the target policy, has described the scope of this study, and has presented a description of the national context in which the policy was approved.

The subsequent chapters will accomplish the objectives of this study. Chapter two will describe the history of higher education in the Dominican Republic, and will summarize the different factors that were crucial in the policy process. Chapter three will describe the content of the policy statement at various stages, and will determine consistency within and between the policy statements. Finally the conclusions will integrate the findings of both chapters.

Chapter II

THE DOMINICAN HIGHER EDUCATION: TRENDS, POLICIES AND POLITICS

The main purpose of this chapter is to describe both the policy process by which the new higher education regulations were adopted, and the legal basis that support this new policy. Before doing so, it is necessary to present a historical perspective of the higher education system of the Dominican Republic; this appraisal will provide a perspective from which to assess recent trends in the Dominican universities, crucial environmental forces, and some political aspects of higher education in the Dominican Republic.

A. The history of the Dominican higher education

For the purpose of this paper, the history of the Dominican higher education is divided in four periods: the Colony, the Independence, the Trujillo Era, and the Autonomy.

1. Higher education in the Colony

Because of the importance of the eastern part of the Hispaniola in the early Colonial period, Santo Domingo had the privilege of having the first university of the New World. In 1538, the "Universidad de Santo Tomás de Aquino" was founded and chartered with a papal bull by Pope Paulo III (De Heredia, 1955). Before the end of the Sixteenth Century, a second university was founded in Santo Domingo:

"Colegio Gorjón". This new university was chartered in 1558 by the King of Spain and was later known as "Universidad de Santiago de la Paz" (Mejía-Ricart, 1980). Thus, Santo Domingo evolved as the cultural center of the new world.

The two universities of Santo Domingo were different in several ways. Whereas the "Universidad de Santo Tomás de Aquino" was chartered by the Pope, administered by the Dominican order, and founded as a cloistered university having the Spanish university of Alcalá de Henares as its model; the "Universidad de Santiago de la Paz" was chartered by the King, after a few years was administered by the Jesuits, and used the non-cloistered model of the university of Salamanca. Those differences favored a strong competition between the institutions (Latorre, 1980), and made of Santo Domingo the first city in America having two models of universities which evolved into the two models for the modern Latin American universities: i.e., public universities based on the non-cloistered model of Salamanca, and private universities based on the cloistered model of Alcalá de Henares (Mejía-Ricart, 1980).

Both universities shared their destiny with Santo Domingo: decreased support from Spain and subsequent decline. The "Universidad de Santiago de la Paz" was closed after the Jesuits were compelled to leave all Spanish territories in 1767, and the "Universidad de Santo Tomás de Aquino" was temporarily closed in 1795, when the French ruled the eastern part of the Hispaniola. It was briefly reestablished in

the period of the "Fool Spain", but it was closed again in the period of the Haitian domination (Fernández, 1983).

2. Higher education after the Independence

The period after the declaration of Independence was a period of reorganization of the educational system of the emerging independent country. The new Dominican officials first organized elementary education, then secondary education, and finally higher education (Palacín, 1944). It was not until 1859, that President Santana promulgated a law to reopen the University of Santo Domingo (Mejía-Ricart, 1980). The implementation of this law was interrupted by the annexation of the country to Spain.

After the Restoration War, new enthusiasm developed in order to reopen the university. Finally, in 1866, the government created the "Instituto Profesional" which became the University of Santo Domingo in 1914 (Rodríguez, 1970).

Four years after the complete restoration of the University of Santo Domingo, the Córdoba movement was born in Argentina. This movement has been described either as "the university revolution" (González, 1922) or as "the university reform" (Díaz, 1971). Whether a revolution or a reform, Córdoba was the starting point for many changes in Spanish American universities, and can be considered the most important event in the Spanish American higher education in the twentieth century. The Córdoba movement insisted

upon certain principles: university autonomy and cogovernment of the university by the professorate and the students. While Argentinian and other Spanish American universities were starting their "revolution" (or "reform"), the University of Santo Domingo was controlled by a National Council of Education created by an executive order of the American intervenor military government (Mejía-Ricart, 1980).

Despite the fact that the Dominican Republic was under foreign military intervention, the influence of the Córdoba movement also reached Santo Domingo. In 1923, for the first time a Dominican author wrote about university autonomy. Tulio M. Cestero, cited by Mejía-Ricart (1980), proposed the establisment of an autonomous government for the university composed of professors, administrators and students. After the formation of the National Association of University Students in 1928, the idea of university autonomy started gaining new momentum, but tne momentum was slowed by the "Trujillo Era".

3. Higher education in the "Trujillo Era"

In 1932, the Association wrote a letter to the President of the Republic asking for autonomy for the university, specifying that it should be "under the authority of professors and students" (cited by Rodríguez, 1970, p. 81). The letter was never answered, and the leaders of the Association were persecuted. That was the beginning of a thirty-year tyranny in the Dominican Republic by Rafael Trujillo.

As Mejía-Ricart (1980) has expressed, "during the 'Trujillo Era', the university was converted into a docile agent of the tyrant" (p. 58). Trujillo built a modern campus, and in exchange he received an honorary degree. He had his own idea of what university autonomy was. In 1944 he declared the autonomy of the University of Santo Domingo. The meaning of Trujillo's autonomy was very specific: for fundraising. Even that kind of autonomy did not last; and soon university autonomy became again a taboo concept.

During the "Trujillo Era" the University of Santo Domingo was the only higher education institution, with the exception of the Catholic Seminary existing through the "Concordato". The "Concordato" was an agreement between the Vatican and the Dominican Republic which allowed the seminary to grant degrees equivalent to those offered by the University of Santo Domingo (Latorre, 1980).

4. The period of autonomy

Soon after Trujillo's death, the university began to insist on its right to autonomy. On December 31, 1961, Law 5778 was promulgated (República Dominicana, 1961); the University of Santo Domingo was defined as "a community of professors and students who were authorized to elaborate their own laws and regulations" (Art. 1). From that moment it became the Autonomous University of Santo Domingo (UASD). Finally, the Córdoba principles could be applied in the Dominican Republic.

Today, Law 5778 of 1961 is still the legal basis of the public university, but the prescription of the original law by which the public forces are not permitted to penetrate the university campus without specific permission of the university authorities was eliminated by Law 202 of June 12, 1964 (República Dominicana, 1964).

With this period of autonomy, higher education in the Dominican Republic saw an unprecedented growth. From 1962 to 1971, the Dominican Republic had the largest average annual enrollment growth in higher education of any Latin American country. While the average annual enrollment growth for the region was 9.7%, it was 19.8% for the Dominican Republic (Latapí, 1980).

But the growth of the private sector was larger than that of the public university. While the public university saw an eightfold increase in its enrollment from 1966 to 1976, the private sector saw a sixty-fivefold increase in its enrollment (Fernández, 1980). In other words, a small private sector evolved as an important part of the Dominican higher education system. In 1983 the private institutions represented more than 50% of the total enrollment (69,494 out of a total of 136,613) (República Dominicana, 1985).

This growth can more effectively be understood by dividing the period of autonomy into three subperiods: from 1961 to 1966; from 1966 to 1978, and from 1978 to 1983.

a. From 1961 to 1966. In this period, the public university became less restrictive in its admission policy and consequently its enrollment increased. Nevertheless, the political problems of the country, and the beginning of a new political freedom within the university walls, brought to the campus a political life that sometimes ended in violent incidents (Moya-Pons, 1984).

This political life of the public university and the desire to decentralize higher education were two important factors in the decision to establish a private university in Santiago de los Caballeros, the second largest city of the country (Mejía-Ricart, 1980, Moya-Pons, 1984). This new institution was sponsored by the Catholic Church and by the industrial sector of the region. Since no legislation existed to define the legal procedures for establishing a private university, the government issued an executive law. (Mejía-Ricart, 1980). Law 6150 of December 31, 1962 (República Dominicana, 1962) chartered the new university, and gave it the authority to grant degrees equivalent to those granted by the public university. This authority was the same that the "Concordato" gave to the Seminary. Law 6150 of 1962 also established the tax exempt status of the new university. Since the law did not specify any procedure to control or supervise the new private university, it emerged as a completely autonomous institution.

In 1965, a group of businessmen sponsored the establishment of a postsecondary institution in the capital city

that has been considered a Dominican version of the American junior-colleges (Latorre, 1980). The new institution was called "Instituto de Estudios Superiores" or Institute of Higher Studies instead of university, and it started without any official approval (Mejía-Ricart, 1980).

At the end of the civil war in September, 1965, a group of professors and students from the public university, who had been participating as "constitutionalists" in the civil war, declared the beginning of a "movement of university renewal". The majority of professors and students, supported the adoption of new by-laws. These new by-laws prescribed more student participation in the cogovernment of the institution and made some administrative changes (Mejía-Ricart, 1980).

Two of the effects of this movement are of great importance for this paper. The first is the open door policy that was adopted; the second is the decision of a group of conservative professors to leave the UASD and establish a private university. The open door policy accelerated the enrollment increase at the public university, and the creation of the new university represents the beginning of the second subperiod (República Dominicana, 1985).

b. From 1966 to 1978. The provisional government of Héctor García-Godoy, facing the issue of some UASD faculty attempting to establish a new institution, was forced to make some critical decisions. This group of UASD faculty were

conservative and were supported by the conservative forces in the country. García-Godoy could not ignore their power. He had to decide between establishing a new public institution or approving the establishment of a new private university (Mejía-Ricart, 1980).

The provisional president promulgated an executive law, named the "Regulating Law for establishing and operating private higher education institutions" only three days before leaving office (Law 273 of June 27, 1966; República Dominicana, 1966a). For the first time the Dominican Republic had a legal basis for private higher education, and that legislation permitted the official approval of the "Universidad Nacional Pedro Henríquez Ureña" (UNPHU) that had been founded on April, 1966 (Rodríguez, 1970). The UNPHU was a small conservative version of the UASD.

Law 273 of 1966 will be discussed in the next section of this chapter. What is important to understand now is that Law 273 of 1966 was the legal basis of private higher education institutions. The UNPHU was officialy approved in accordance with the new law by a presidential decree on March, 1967, and the 'Instituto de Estudios Superiores', another private institution, received its approval on November, 1968 (Mejía-Ricart, 1980).

Until 1970, the only significant increase in the higher education system happened in the public university; it was the creation of the first campus of UASD outside the

capital city. This first branch was created in San Pedro de Macorís to provide the eastern part of the country with a teacher training program. In 1970 the UASD founded two additional branches in two different cities; that same year a new private university was established in San Pedro de Macorís and was approved the following year (República Dominicana, 1985). This new private institution, the Catholic University of Santiago, and the UNPHU were receiving government funds. According to Mejía-Ricart (1980) the non-declared policy of Balaguer's government was to support private higher education.

In 1972, another private institution was established. The "Instituto Tecnológico de Santo Domingo" or Technological Institute of Santo Domingo emerged as a "complementary and innovative" institution which introduced new graduate programs (Latorre, 1980). This new private institution was approved and it also received government funds. (República Dominicana, 1985).

From 1973 to 1977 only three new private institutions were approved by the government, and their activity was restricted to a few degree programs (Latorre, 1980). Nevertheless, there had been a tremendous change in Dominican higher education from 1966 to the beginning of 1978. Now there were one public university with three branches, and eight officialy approved private institutions; 1978 saw the end of Balaguer's government and the start of a new period for higher education in the Dominican Republic.

c. From 1978 to 1983. The last month (August, 1978) of Balaguer's government, was one of the most active legislative month in the history of the Dominican Republic. In the higher education arena, Balaguer created chaos by approving five new private institutions before leaving office. Some had been founded as business schools, and others had unknown sponsors or programs at the time of their approval (Mejía-Ricart, 1980).

As a consequence, the new government of Antonio Guzmán found a very complicated situation. There were thirteen approved private universities, and there were twenty new applications for approval (Latorre, 1980). Four months after the installation of the new government, the President by Decree 499 of 1978 appointed a commission with the explicit role of advising him in the design of a new regulation for the universities. In the decree, the President specified the main goal of the commission: "to analyze the proliferation of universities and the absence of legal or administrative mechanisms to assure their quality" (cited by Fernández, 1980, p. 157). The commission submitted a report to the President in which they suggested that the proliferation of institutions was not the main problem; according to them, the main problem was the absence of a regulating scheme to control the creation and existence of higher education institutions in order to guarantee the quality of degree program in the areas required by the country (Montalvo, 1983). They also proposed a legislation but it was never sent to the

Congress. This proposed legislation was intended as the "general" law of higher education (see Informe al Honorable ..., 1980) but was immediately rejected by the UASD. Mejía-Ricart (1980) accused the Commission of favoring private institutions, of reducing the autonomy of the public university, and of giving the UASD an equivalent treatment to that given to the recently founded private universities.

The public university had also opposed a private association founded in the late 1970s to establish some coordination among higher education institutions. That association founded by the oldest private universities (Latorre, 1980) invited the Rector of the UASD to participate and even to become the president of the emerging coordinating association. Even though the Rector of the UASD attended some meetings, his participation was rejected by the UASD University Council, and his personal participation was even a topic of debates in a "Claustro" Assembly (Rosario, 1980)[1].

Therefore, the final result of Guzmán's decree and the commission's proposal was non-action as the official policy (Montalvo, 1983).

Salvador Jorge Blanco, who was installed as the new President in 1982, found an even more complicated situation than Guzmán. During his election campaign he expressed his

[1]--The maximum governing board in the UASD is the "Claustro", a cogovernment board composed of all the professors (two-thirds of the Claustro) and elected students (one-third of the Claustro). The Claustro delegates its authority to the University Council, which is composed by the Rector and two Vice-Rectors (elected by the Claustro), seven Deans (elected by College Assemblies), two professors (elected by the faculty), one employee (elected by their association), and six students (elected by the students).

concerns about the lack of coordination of higher education in the country and his political platform made an explicit reference of the need for increased participation of the government in the regulation of private higher education institutions (Montalvo, 1983). On July 25, 1983, President Jorge Blanco promulgated the new regulation and established the National Council of Higher Education (CONES) (República Dominicana, 1983b). This new policy and its development process will be analyzed in the second section of this chapter.

B. The new policy and its crucial factors

This section is dedicated to the analysis of the factors that were crucial in adopting the new policy, corresponding to the first objective of this paper, and following the description of the policy process presented in Figure 2.

1. Policy process

By Decree 861 of March 8, 1983, President Jorge Blanco appointed a Commission with a 90 days time frame within which to present him with recommendations on the regulation of private higher education institutions (República Dominicana, 1983a).

The Commission sent the President a report that contained an analysis of the relevant legislation, and a proposal for a presidential decree, on May 23, 1983 (see Informe

de la Comisión Nacional..., 1983 and Montalvo, 1983); and finally the new policy was stated by Decree 1255 of July 25, 1983 (República Dominicana, 1983b).

The following sections analyze the development of the new policy by describing the different components of the policy process: intra-societal forces, extra-societal forces, mediating process, and the final decision process. Also, there is a section that describes the legal basis of the new policy.

a. Intra-societal forces. These forces represent the conditions within the society demanding action from the government with regard to a specific issue. The most outstanding intrasocietal force was the increasing number of non-regulated private universities and the absence of governmental regulation of these institutions.

In regard to this phenomenon there are two different concerns. One concern is that the increasing number of non-regulated institutions does not protect the quality of the educational product. That type of concern was explicitly expressed in Guzmán's decree (Fernández, 1980). Another concern refers to the quantitative results and their effects on the equilibrium of supply and demand of human resources. While this second concern was not expressed in Guzmán's decree, it seems to be a primary concern of President Jorge Blanco. It was expressed in his political platform (Montalvo, 1983) and Decree 361 of 1983 does emphasize the lack of

a coordinated planning and the non-rationality of the system without any specific mention to the quality of the educational product.

President Jorge Blanco also mentioned in Decree 861 of 1983 the existence of specific studies recommending regulations. This is probably a reference to the former Commission of Guzmán, and to an analysis sponsored by some private universities (i.e., Fernández-Pichardo, 1980).

b. Extra-societal forces. In contrast to the intra-societal forces, the extra-societal forces originate in other countries. They are part of the environmental forces, and they also become demands. In the case of the target-policy there are two main extra-societal forces.

The first is related to the decisions of some of the new private universities approved during the "laissez-faire" period to attract an increasing number of foreign students, mainly to their Medical Schools. Thus, the proliferation of higher education institutions in the Dominican Republic started affecting other nations. For example, the United States General Accounting Office sponsored an evaluative visit to six foreign medical schools; two Dominican medical schools were included in those visits. The decision to make those visits was based upon the evidence of the increasing number of Americans that were attending those schools, and were receiving Federal funds. The final report of the evaluative team was very negative, and it demanded

that Federal agencies establish strict criteria in awarding financial aid to American students who were studying abroad. At the same time, this report served as an international criticism of some private higher education institutions in the Dominican Republic (The Comptroller General, 1980).

Another extra-societal force was the existence in other Latin American countries of regulations controlling the establishment and operation of private institutions. Historically, Dominican laws on higher education has emulated those of other Latin American countries, specifically Venezuelan laws (Mejía-Ricart, 1980). That country among others, had adopted new regulatory legislations which included private institutions (Venezuela, 1970; García-La Guardia, 1973).

c. Perceived needs, demands and the decisions. Even before Decree 861 of 1983 the President had appointed a special advisor for educational issues. That advisor was a key element in the mediating process that made the President perceive the need to regulate private higher education (Montalvo, 1983). The first formal action was the creation of a commission, similar to President Guzmán's action in 1978.

After deliberations, the new Commission presented its final report to the President (Informe de la Comisión Nacional..., 1983) but it was different from the 1978 Commission's proposal in several features. In 1978 what was proposed was

a General Law of Higher Education; the 1983 Commission suggested the creation of a permanent National Commission of Higher Education and the adoption of new regulations to approve new private institutions and to supervise existing ones. This proposal was more realistic, and its characteristics facilitated the final adoption of the new official policy on private higher education.

The new policy was stated in Decree 1255 of July 25, 1983. This Decree described the new regulations for private higher education and created the National Council on Higher Educat ion (CONES).

The regulations were the first official interpretation of the sections of Law 273 of 1966 and the modifications introduced by Law 236 of 1967, which gave power to the President to regulate private higher education.

2. Legal basis

Since 1879, the Constitution of the Dominican Republic has included the principle of "freedom of teaching" as a constitutional right. This principle has been defined as the elimination of a state monopoly on education (Fernández-Richardo, 1980).

This principle of "freedom of teaching" is common to many Latin-American Constitutions (Palacín-Iglesias, 1955), and has been interpreted as a privilege given to the Catholic Church (Ghioldi, 1961). Sometimes it has been confused with

the concept of "libertad de cátedra", the Latin American version of academic freedom (García-Laguardia, 1973).

What "freedom of teaching" meant was that even though the State was responsible for providing education to all its citizens, it could authorize private groups or persons to run educational institutions. Since those private groups or persons were colaborating with the State in the pursuit of their mission, the State had to regulate private education as a means to assure quality. Thus, the Dominican State has a constitutional mandate to permit private institutions, but that mandate does not eliminate the possibility of regulating those private institutions (Fernández-Pichardo, 1980).

Based on that principle of "freedom of teaching", President García Godoy promulgated Law 273 of 1966, named the "Regulating Law for establishing and operating private higher education institutions" (República Dominicana, 1966a). This law had six articles that specified some requirements and procedures to be met for receiving official approval and having the privilege of granting degrees equivalent as those given by the public university.

The requirements were that the private universities should have the same academic structure, the same curricula, and the same admission requirement as those of the public university; and that the faculty would be either member of the faculty of the public university or selected after a vigorous screening procedure. In addition to those requirements specified in article 1, article 5 defined the non-political posture that these institutions must maintain.

Law 273 of 1966 also included the prescriptions of how to apply for approval, established the tax exempt status of private universities, and established that the State could supervise private institutions. It also empowered the State to ask for information annualy concerning academic matters.

Law 273 of 1966 was modified by Law 236 of 1967. The modifications introduced by Law 236 of 1967 did not change the article that explicitly empowers the government to regulate private institutions; it states:

> Art. 6. The institutions described in Art. 1 could be supervised by the State in order to evaluate the existence of the standards that have been proposed in that article)República Dominicana, 1966a)

Nevertheless, Law 236 of 1967 did modify Article 1 of Law 273 of 1966 eliminating the requirements to be an academic copy of the UASD, did not include new specific standards, and established vague criteria on evaluation of the quality of programs. Article 1 stated that the President could define the minimum standards that the students should exhibit to be admitted. Those standards were never specified, and as Fernández Pichardo (1980) has expressed, the modifications of Article 1 did not stipulate specific requirement necessary for granting degrees equivalent to those granted by the public university.

The 1983 Commission concluded that Law 273 of 1966 and the modifications introduced by Law 236 of 1967 gave the

Executive the power to oversee private institutions and that there was enough legal basis to promulgate new regulations to enforce this authority (Informe de la Comisión..., 1983).

In sum, the legislation permits (a) the State regulation of private institutions, (b) the supervision of private institutions, through presidential decrees and regulation. Consequently, the president could choice either a "laissez-faire" policy or a regulating policy. The law gave the President full discretion in this matter.

It is important to note that Laws 273 of 1966 and 236 of 1967 did not emphasize the coordinating role of the State in the planning of the higher education system. They did emphasize its role in assuring the quality of degrees, which were viewed as equivalent to those given by the same State through its own public institution.

3. Summary

In sum, the crucial factors that made possible the adoption of the new policy can be analyzed by using the policy process model presented in Figure 2 and adapted from Easton (1965). Enrivonmental forces were demanding conditions which would result in a policy change. The predominant environmental force was the proliferation of private universities without regulations; this fact affected both the quality and the planning of the higher education system. Another force was the previous work of a commission appointed by former President Guzmán and the subsequent reaction

of the UASD. All of these forces were intra-societal forces within the country. In addition two extra-societal or international forces were identified: the existence of new regulation for higher education in other Latin American countries, and the increasing concern in the United States for the quality of some Dominican Medical Schools enrolling American students.

Those were the main environmental forces; the mediating process has been identified as the activity of the educational advisor of the President; and the final decision process can be explained by a three-stage process: the creation of a Commission by Decree 861 of 1983, the report of the Commission to the President, and the final decision, Decree 1255 of 1983 which contains the statement of the new policy.

This new decision of the Dominican Executive was based on the constitutional right of "freedom of teaching" and on Laws 273 of 1966 and 236 of 1967. The State shall permit private institutions, but has the authority to regulate them.

The next chapter will examine the content of the statement of the new policy.

Chapter III

ANALYSIS OF DECREE 1255 OF 1983

After analyzing the process by which the new policy was adopted, it is time to study the content of that policy as it was stated in Decree 1255 of 1983, and to relate the final content to the intentions of the President as they were expressed in Decree 861 of 1983. This is the purpose of this chapter. Therefore this chapter represents the achievement of the second and third objectives of this paper: the description of the policy statement, and the analysis of its internal consistency.

The description of the content of the policy statement and the appraisal of its consistency have never been done before (Julio C. Sánchez, personal communication, February 27, 1985). This appraisal in the present study will facilitate the understanding of the new policy, and will contribute to clarify the mission of the CONES (Roberto Nicodemo, personal communication, September 26, 1985).

The first stage of the new policy is represented by Decree 861 of 1983, by which the President appointed a Commission in charge of elaborating a legislative proposal to regulate higher education institutions. This Commission is the result of the President's expressed concern for the lack of a coordination and planning for the higher education system. Also he emphasized that the system should be in sequence with the general planning of the country. This

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action points out the need to coordinate the system due to its contribution which is crucial in developing the country.

This chapter describes the content of Decree 1255 of 1983, and compare it to the 1983 Commission's suggested decree. The study of the discrepancies between what the Commission suggested and what the President finally approved is a key element in understanding the presidential intent. Finally, this chapter relates the final statement of the policy (Decree 1255, 1983) with the main concerns of Decree 861 of 1983.

A. Description of the content

Decree 1255 of 1983 was named "Regulation for private higher education" and it contains six titles. For the purpose of this study, the decree will be divided into four main parts: (a) the definitions of the institutions to be regulated, (b) the establishment of the CONES and the description of its functions, (c) the requirement to be met by regulated institutions; and (d) the role of the Executive.

1. Institutions to be regulated

The new regulation only controlled private higher education and the institutions are classified into two types: institutes of higher studies and universities. The institutes are authorized to offer technical degrees, and the

universities are authorized to offer all higher degrees, from the technical degree through the doctoral (Title 1). This Title also prohibits the use of the names "institute of higher studies" and "universities" by non-approved institutions, and Title 6 specifies that approved institutions must also meet the requirements established by the new regulation.

2. The National Council on Higher Education (CONES)

Title 2 refers to a National Council of Higher Education; but it is Title 5 which explicitly creates this Council.

Article 13 describes the composition of the CONES. Its members are: (a) the Educational advisor of the Executive who will act as the president of the Council; (b) the Vice-ministry of Education in charge of academic affairs; (c) the Director of the National Planning Office; (d) the Vice-Rector for Academic Affairs of UASD; (e) a Vice-Rector for Academic Affairs selected by the Dominican Association of University Rectors; and (f) two members appointed by the Executive.

Article 14 specifies the functions of the CONES. There are twelve specified functions that can be classified into four groups: (a) the planning of the national higher education system; (b) the quality of the national higher education system; (c) supervisory function of the Council; and (d) role of the Council as an agency of the Executive for higher education matters.

The functions that are related to the planning of the higher education system in the country are two: to coordinate the system in order to assure its contribution to the national development, and to conduct studies in cooperation with other government agencies involving planning activities for the national higher education system.

Two functions refer to the assurance of the quality: to offer technical assistance in order to improve the institutions not only in relation to their administration but also in their academic quality; and to recommend the cancellation of approval to institutions which have not met minimum standards of quality. There is a third function indirectly related to quality, and it provides the new Council the authority to give legal authority to all official documents of private institutions. Even though this function does not directly involves the assurance of the quality; by legalizing the institution's documents, the CONES is certifying that the institution has met its standards (i.e., quality of programs).

Three of the functions refer to the role of the CONES as an office of the Executive. This new office is responsible for advising the President in regard to higher education policy; in suggesting new legislation or administrative procedures in regard to higher education; and in doing any assignments required by the President.

Finally, four of the functions can be ambiguously interpreted. For example, the supervisory function of the

CONES; its responsibility in designing analytic instruments for its supervisory function; the evaluation every five years of all private institutions; and the establishment of criteria for the continuance of a specific academic program. They can be interpreted in reference either to the planning of the national higher education system, or to its quality, or both. For instance, the decree specifies that every five years the CONES will evaluate the institutions by comparing their results with the stated objectives that were presented as referring to either the qualitative results as shown in the characteristics of the educational product; or to the quantitative results, in terms of number of human resources that have been produced. It seems that depending on the specific interpretation of the CONES; the supervising and evaluating functions will be focusing on either the qualitative or quantitative aspects, or on both.

In Title 2, Article 8, the Decree also describes how the CONES will evaluate the new request for approval. It specifies five criteria: (a) the support of the arguments that were presented for the establishment of the new institutions; (b) consistency of by-laws with the national legislation; (c) relevancy of the academic regulations in regard to institutional objectives; (d) general appraisal of the institutional abilities for assuring an acceptable level of academic quality; and e) the economical feasibility of the project. In sum, new institutions should be evaluated based on their contribution to the system, their predicted capacity

for an acceptable level of quality, their legal status, and their economical feasibility.

When defining the role of the CONES, the decree clearly states the desire of having a coordinated and supervised system of private higher education, of assured quality, and composed by organized and economically sound institutions.

3. Requirements for private institutions

The specific requirements that all private institutions have to meet are specified in Title 2 where the decree describes the different documents which must be included with the request for approval. The existing private institutions also must seek approval under the new decree.

There are eleven documents that have to be presented. Some of them are related to the role of the institution in regard to the national higher education system (coordinated planning of the institution); others require academic information (quality of the institutions programs); and others refer to the internal organization of the institutions (organized institutions as components of the national higher education system).

Two required documents refer to the planning of the national higher education system. The first document that is listed, is the analysis of the possible contribution of the institution to the need of human resources, of the congruency between the institutional plan and the system, and of its distinctiveness. The other required document related

to the planning of the national higher education system is an institutional five-year master plan with special emphasis in the description of academic offerings, expected enrollment and expected number of graduating students per academic program.

Most of the documents are closely related to the assurance of quality. The decree requires a list of the faculty and their resumes, a complete description of the academic regulations, a definition of the faculty development policy, and a definition of the research policy. Five out of eleven documents are indeed intended to have enough information to predict the institutional ability to provide an academic program of verifiable quality.

Four documents are required on the organization of the institution. The broadest is a definition of the educational philosophy of the institution. This document is listed fourth and it is followed by the requirement of the by-laws of the institution which have to contain: institutional objectives, administrative structure; and the definition of the institution as non-proprietary, non-profit, and national institution. The decree also demands a description of the financial procedures and a description of present and planned facilities, including planned sources of funds. This last document is intended to assure institutional quality, since it requires a detailed description of the basic facilities for academic work: the library, and the laboratories.

What these requirements tend to confirm is the desire of having a system composed of institutions organized to provide quality programs.

Title 4 describes some information that the institutions should periodically present to CONES to facilitate their supervision. The information deals with institutional statistics (students, faculty), special projects (research projects, continuing education courses) and financial (budget, students with loans, distribution of expenses, and description of tax-exempt institutional imports). These again are the three areas that have been identified as the main components of the decree.

4. The Executive

The final decision for approval of new institutions will depend upon the President of the Nation, based on the recommendations of the CONES. The new ingredient is the intervention of the Executive and a new role of CONES as a mediating office between institutions and the executive.

Title 2, Article 9, specifies the content of the decree by which an institution will be approved. According to this article, the President will specify in the decree the location of the institution, and the academic programs that the approved institution is authorized to offer.

Title 3 states that private institutions will need written permission from the President to change their location, to open new campuses or branches, to offer new academic programs and to modify their by-laws.

The Executive not only authorizes new institutions or revokes that authorization (Art. 10), but also authorizes any change that would affect either the planning of the national higher education system (by a non controlled development) or the organization of the institution (by capricious changes of by-laws). While the CONES have been empowered to supervise the institutions, some areas are within personal surveillance of the President.

B. Discrepancies between the proposed and the promulgated Decree.

President Jorge Blanco appointed a Commission to recommend to him new regulations for private higher education. That Commission sent its proposal to him, and based on that proposal he promulgated Decree 1255 of 1983.

An analysis of the differences between the regulations that were proposed by the Commission and those actually promulgated by the President, can be a useful tool in understanding his real policy intentions.

To analyze these discrepancies it will be better to divide them into two sections: the first deals with the purpose and role of CONES, and the second deals with the requirements for private institutions.

1. Purpose and role of CONES

One of the most interesting discrepancy is that the Commission suggested the creation of a National Commission

of Higher Education which was supposed to be a temporary agency. It would lead the change from a state of non-existent regulations to the creation of an authentic national system of higher education (see Informe de la Comisión..., 1983). Although Decree 1255 of 1983 does state that the CONES should be responsible for suggesting definitive legislation for higher education, its temporality is not as clearly expressed as it was in the proposal.

Another discrepancy is the absence in Decree 1255 of 1983 of any reference to an institutional self-evaluation process that should preceed the outside evaluation conducted by the CONES. Both, the proposed and the promulgated decree, emphasize the role of the CONES in evaluating not only new institutions, but also existing institutions. The Commission proposed an evaluation process which was similar for both type of institutions. The new institutions should be evaluated based both on their long-range plan and on their self-evaluation. Decree 1255 of 1983 does describe the institutional base of the evaluation of the new institutions, but it does not define the active role of existing institutions in their evaluation process.

While the Commission proposed the creation of the CONES by a decree, with the specific mission of suggesting how to regulate the system and recommending additional executive orders to the President; the executive promulgated the regulations and created the CONES to enforce them.

2. Requirements for private institutions

It is possible to identify two main difference between the proposed and the promulgated decree in regard to the requirements for private institutions. The first refers to the nationality of the components of the institution; and the second refers to the autonomy of the institutions in making some internal changes.

Whereas the proposed decree required that 75% of the students, and the "majority" of the members or governing boards should be Dominicans; Decree 1255 of 1983 establishes that 66% of the student body and 75% of the member of governing boards should be Dominicans. Therefore, the promulgated decree was not as strict in regard to the student body's nationality, but more strict in regard to the nationality of the members of the governing boards than the Commission's proposal.

The second difference,is in reference to the degree of institutional autonomy in making specific changes, which points out the government desire to control the expansion of the system and to assure the internal quality of the organization of the institutions. The Commission did propose the need for authorization to change the location of the institution or to open new branches; but the Commission did not recommend that it was necessary to obtain permission to offer new academic programs or to modify the by-laws. These two requirements were introduced in the final decree.

Also, there is a change introduced in Decree 1255 of 1983 in regard to the periodic reports that the institutions are required to present to the CONES. In the Commission's version those reports were a means to supervise and evaluate the institutions; and they were important because they kept the CONES informed about the higher education system. Conversely, Decree 1255 prescribes the same reports, as a means to supervise and control the institutions, and places more emphasis on the mandatory nature of the reports.

In sum, new requirements introduced in the final decree, stressed the controlling nature of CONES, and have reduced the autonomy of private institutions.

C. Evaluation of the content of Decree 1255 of 1983

Although Decree 1255 of 1983 does not have an introduction that explain the goals of the new regulations, it does relate itself to Decree 861 of 1985 through which the President created the advisory Commission. In that previous decree, President Jorge Blanco affirmed that Dominican higher education was increasing without any rationality, that it should respond to the general planning of the country, and that the regulation of higher education was considered a high national priority. Those stated aspects should be the rational for the proposal and they should be indicative of the direction of future policies.

Consequently, it is possible to derive from that base, the goal of the new regulation: coordination of the

comprehensive higher education system of the country in order to make it more responsive to the general planning of the country.

Is Decree 1255 of 1983 consistent with that goal? The answer is "No". Because it only regulated private institutions and it did not include the public university (UASD), which represents almost 50% of the total enrollment of the higher education system. The only link with UASD is the inclusion of its Academic Vice-Rector as a member of CONES which in no way assures coordination. The only way to assure the desired coordination would be to require it through regulation of the entire system of higher education in the Dominican Republic.

Decree 1255 of 1983 does not integrate private institutions into the overall national planning. The inclusion of a delegate of the National Planning Office in CONES, and some of the requirements that private institutions must meet, could be contributing factors to that goal; but there is a problem in regard to the judgment of whether a university is responding to the general planning of the nation; it seems that CONES is the final judge, and there is not evidence that there is an objective procedure for those judgements. In regard to that main goal, the great contribution of Decree 1255 of 1983 is to make higher education institutions aware of the need for a coordinated system of higher education.

Decree 1255 of 1983 was a necessary legal instrument by which the government can control the expansion of the private

sector the existing private institutions, and can organize the system.

If Decree 1255 of 1983 was promulgated as a temporary regulation, until more comprehensive legislation was approved, then it is possible to evaluate it as a transitional instrument intended to organize the private sector, to create favorable opinions about coordination within the system, and to integrate the system with national goals. It could be considered a first step in achieving the goal stated by Decree 861 of 1983.

The analyzed discrepancies between the proposed decree, and the one actually promulgated, seem to reinforce the idea that the new regulations were approved as permanent regulations for higher education, and contain a control ingredient which could serve as a legal instrument to reduce the autonomy of private institutions. It is very difficult to decide whether it is a temporary instrument or a permanent one.

In sum, it seems that Decree 1255 of 1983 will not be a great contribution for achieving the goal of an integrated and coordinated Dominican Republic higher education system. Some of its components could be crucial factors for organizing the private sector and assuring its quality as a preparatory step toward an integrated and coordinated system. Nevertheless, the promulgated decree does not clearly establish its temporality and what it does emphasize is the controlling function of the government over private institutions, but fails to describe how the total system of higher education will be integrated to meet national objectives.

Chapter IV

CONCLUSIONS

This paper has been written with the very specific goal of analyzing the new policy on higher education of the government of the Dominican Republic, as it is stated in Decree 1255 of 1983.

In developing this analysis it was necessary to present both a theoretical framework that served as a basis to analyze public policy issues, and a description of the national context in which the new public policy was adopted.

The main focus of the paper was a public policy statement on private higher education; and the paper described the crucial factors in the policy process through which the new policy was adopted, its content, and its consistency.

This policy process happened in the Dominican Republic, a small independent country of the Spanish Antilles, which became important in the Colonial period that had the first university of the New World. In that country, higher education has had a tremendous growth since 1962, because of the expansion of the single public university, and because of an emerging increasingly important private sector.

The private sector emerged as a non-regulated system, and some of the institutions did not choose a self-regulatory development. Consequently, one of the factors that was crucial in the policy process was the existence of a low quality

non-regulated and expanding private sector. The quality of the system and the unplanned expansion were primary concerns.

During the three consecutive governmental periods in which Balaguer was the President of the country, a "laissez-faire" policy in regard to higher education was adopted.

President Guzmán who suceeded Balaguer, expressed his concern about the quality of the system, and created a Commission which recommended a General Law for Higher Education. This proposal was immediately rejected by the public university.

Because of the political characteristics of the country, none of the existing legislations on higher education had been approved by an active Congress. The Commission that Guzmán created not only recommended inclusion of UASD in the regulatory scheme, but also recommended congressional action. The proposed law was never sent to Congress, the private sector continued its growth trend, and a new government, coming to power in 1982, found an even more complicated situation.

President Jorge Blanco, the new President, in contrast to Guzmán, expressed his concern for planning within the national higher education system; and, as Guzmán did, created a new Commission. The new Commission sent a proposal, which did not include UASD and which was intended to be promulgated as a presidential decree.

Without the opposition of the public university, without Congressional debates, in a country in which executive

decisions are common, the new policy on higher education was established in Decree 1255 of July 25, 1983.

Decree 1255 of 1983 creates a National Council of Higher Education (CONES) and establishes a new regulation for approving new private institutions, and for periodically evaluating existent ones.

The regulations and the description of the role of the CONES seem to insist on an organized, coordinated private sector designed to insure quality of academic programs. Although there are some aspects that are clearly directed to achieve the planning of a coordinated and integrated national higher education system, it is impossible to achieve that goal without including the public institution and without describing the procedure to assess the congruence between national and institutional goals.

Decree 1255 of 1983 could easily serve either as an instrument to organize and improve the private sector in order to facilitate the achievement of a coordinated and integrated higher education system, or as an instrument to control private institutions by reducing their autonomies.

Since the new policy was adopted in a period in which the quality of some private institutions was a general concern with international implications that is probably why the system wide coordinating intentions were relegated to secondary importance. However, it is important to note that the content of the decree actually responds to the two national concerns (i.e. quality and coordination of private

institutions). The emphasis on the implementation will be a matter of future interpretation.

Through Decree 1255 of 1983, a new period for private higher education has begun in the Dominican Republic. The outcome of this new period will depend upon the interpretation and the implementation of the adopted regulations.

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